

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRY RAY HORNBECK,
Petitioner,
v.
DEPARTMENT OF CORRECTIONS
AND REHABILITATION,
Respondent.

No. 2:22-cv-0575 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

In this action, petitioner appears to challenge conditions of confinement rather than the validity of his conviction or sentence. Accordingly, the undersigned construes this action as a civil rights action pursuant to 42 U.S.C. § 1983.

Petitioner is incarcerated in Calipatria State Prison. Calipatria State Prison is in Imperial County which lies in the United States District Court for the Southern District of California.

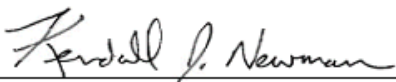
The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action

1 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in
2 this action, any judicial district in which any defendant is subject to the court's personal
3 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

4 In this case, petitioner's claims arose in Imperial County which is in the Southern District
5 of California. Therefore, petitioner's claims should have been filed in the United States District
6 Court for the Southern District of California. In the interest of justice, a federal court may
7 transfer a civil rights action filed in the wrong district to the correct district. See 28 U.S.C.
8 § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

9 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this matter is
10 transferred to the United States District Court for the Southern District of California.

11 Dated: April 27, 2022

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13 KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE

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